

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION

IN RE:	)	Case No. 16-03686-5-SWH
	)	
KING DAN RIVES	)	Chapter 13
MARYDEL HART RIVES	)	
Debtors.	)	
_____	)	

**RESPONSE TO MOTION FOR RELIEF FROM STAY**

NOW COME the Debtors, by and through their undersigned attorney, and respond in opposition to the motion for relief from the automatic stay filed by Timothy Saleeby on September 15, 2016. By way of further response, the Debtors show as follows:

1. While there are pre-petition and post-petition rent amounts due, these rents are within a magnitude that they could be feasibly cured within the remaining lease term.
2. Debtors had planned to propose such a cure, but experienced unexpected employment problems in the month of September.
3. The Debtors are determining if there is any fashion of cure they could presently propose which would further their reorganizational objectives, or if they should surrender possession of the property and reject the lease.

WHEREFORE, the Debtors respectfully request that the Court:

1. Set this matter for hearing;
2. Deny the motion for relief from the automatic stay; and
3. Grant such other relief as the Court deems just and proper.

Respectfully submitted, this the 3rd day of October, 2016

s/ Erich M. Fabricius  
Erich M. Fabricius, NC State Bar No. 39667  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the attached response, was served this day on the following parties:

John F. Logan  
Chapter 13 Trustee  
(electronic notice via CM/ECF)

Joshua N. Levy  
Attorney for Timothy Saleeby  
(electronic notice via CM/ECF)

This 3rd day of October 2016

s/ Erich M. Fabricius \_\_\_\_\_